

PART 2054 - EMPLOYMENT

Subpart V - Basic Personnel Records and Files System

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PART 2054 - EMPLOYMENT

Subpart V - Basic Personnel Records and Files System

§2054.1051 General.

Under the provisions of Executive Order 10561 and 12107, Official Personnel Folders (OPFs), Merged Records Personnel Folders (MRPFs) are designated as the property of the Office of Personnel Management (OPM). Federal Personnel Manual (FPM) 293 and FPM 293-31 dated September 2, 1987, and Department Personnel Manual (DPM) 293 contain the OPM and Departmental instructions regarding the establishment, maintenance, and transfer of the OPFs/MRPFs, the Employee Performance Folder (EPF), and the Employee Medical Folder (EMF). This Instruction supplements OPM's and United States Department of Agriculture (USDA) instructions and prescribes the Farmers Home Administration (FmHA) procedures and methods for establishing, maintaining, transferring, and disposing of OPFs and related "For Official Use Only" records.

§2054.1052 Definitions.

- (a) Official Personnel Folder (OPF). A folder that contains records and documents related to civilian employment under title 5, U.S.C. and established for each employee in an organization of the Federal Government.
- (b) Employee Medical Folder (EMF). A separate folder that contains all occupationally related civilian employee medical records created during the course of individual's Federal civilian service.
- (c) Merged Records Personnel Folder (MRPF). A folder that contains records and documents related to employment under both the civil service personnel system and another Federal personnel system (i.e., FBI, State Department, and Post Office Department).
- (d) Employee Performance Folder (EPF). An envelope (Item # 212 - Supply may be ordered from the Finance Office Warehouse in Granite City, Illinois) maintained on the left side of the OPF/MRPF which contains performance appraisals and related records created during Federal service.

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(e) Disclosure. To provide an individual's records or data to someone other than the individual data subject.

(f) Long-Term record. The right-hand side of the OPF record (formerly referred to as a "permanent" record).

(g) Personnel Action. The record of any action processed to appoint, affect, or separate an employee by use of Standard Form (SF)-52, "Request for Personnel Action," SF-50, and SF-50-B, "Notification of Personnel Action," or SF 50-A, "Notice of Short-Term Employment," or OPM authorized exceptions thereto.

(h) Temporary record. The left-hand side of the OPF record that, in most cases, is not sent with the OPF, but may be returned to the employee or destroyed either after the individual leaves the agency, or in accordance with a records and disposition schedule.

§2054.1053 The Chronological Journal File.

The Chronological Journal File consists of copies of SF-50B. The arrangement of the Chronological Journal File should be in the following order:

(a) By fiscal year.

(b) Within the fiscal year by the following categories.

(1) Accessions.

(2) Changes.

(3) Separations.

(c) The forms should be filed in the Chronological Journal Files as SF-50's are received from the National Finance Center (NFC). Personnel action documents will be retained no longer than 2 years after the effective date.

(d) The files will be stored in a locked cabinet in the area where the OPFs, MRPFs, EPFs, and EMFs are maintained.

§2054.1054 [Reserved]

§2054.1055 Responsibility.

Employment Officers are responsible for the proper establishment and maintenance of all OPFs, MRPFs, EPFs, and EMFs for employees under their jurisdiction. An OPF (SF-66), MRPF (SF-66C), and EPF (Item # 212), as appropriate, will be maintained for each active employee in the manner described by the FPM, DPM, and this Instruction. EMF (SF-66D) will be maintained as indicated in §2054.1066 of the Instruction. Employment Officers will determine the employees who will have access to these Personnel Records. Normally, this should be limited to State Directors, Assistant Administrator, Finance Office, and members of their staffs who are specifically responsible for personnel operations. In the National Office, this will apply to the Administrator's staff and the Personnel Division. The confidential nature of certain material must be protected, as provided in §2054.1067 of this Instruction. An employee or former employee may examine his/her OPF and related personnel records as provided in FPM 294. OPM requires that necessary safeguards be taken to control the review of restricted material, including examination papers, and material attached to the application, medical certificates, and other documents pertaining to an employee's medical history, confidential questionnaires, and other information furnished in confidence. (See FPM and DPM Chapters 293 and 294.)

§2054.1056 Maintenance.

(a) General. Records pertaining to individual employees of the FmHA will be maintained in the standard OPF (SF-66). This also includes the County Committee Members. White labels will be used for all personnel folders. These label tabs will be identified by the employee's name (last name first), date of birth expressed in figures as month, day, and year, and

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social security number. The employee's name must be the same as it appears on the SF-52. For example:

Smith, Mary J. 01 06 34
999999999

(1) Folders for active employees will be kept in locked cabinets in a single alphabetical series. When an active employee is separated, except by transfer, his/her folder will be removed from the current files and refiled in a location for separated folders.

(2) Folders for County Committee Members will be maintained as follows:

(i) Label the folder as in the example shown in paragraph (a) of this section.

(ii) Insert the folders for a given Committee in a third-cut, second-position folder, and labeled to show the name of the County or Area Committee. The folders should then be placed in organizational structure order.

(iii) File the OPF (SF-66) for each Committee Member in alphabetical order in the folder for the applicable County/Area.

(b) Arrangement of material within folders. Material to be filed in personnel folders will be divided into two sections, permanent and temporary, and will be acco-fastened to the positions of the right or left side of the folder as indicated in FPM Chapter 293-31 and DPM 293 and this Instruction.

(1) Right side - (upper right) permanent records. In general, this includes documents representing a formal action which constitutes the official record or making a substantial contribution to an

employee's status and service. SF-50 or equivalent including letters of appointment; SF-1126, "Payroll Change Slip," and Form AD-334, "Earning Statement," should be filed by effective date of the action, with the most recent changes on top. The permanent material required to be filed on the right is listed in FPM 293-21, S4-6, Figure 1, dated September 2, 1987.

(2) Left side - (lower left) temporary records. In general, this includes documents leading to a formal action, but not constituting a record of it and not making a substantial contribution to the employee's status and service. During the time the official folder remains in the custody of the Employment Officer, correspondence and forms of a temporary nature will be destroyed in accordance with the FPM 293-31, S4-6, Figure 2, dated September 2, 1987. Examples of documents that will be placed on the left side of the OPF are:

- (i) Completed SF-52, except where it is used as the official document or contains the employee's resignation,
- (ii) Completed AD-332, the official position description,
- (iii) Required records for employment of minors, and
- (iv) Other Departmental forms.

(3) Records and Documents prohibited from being filed in the OPF or MRPF are listed in FPM Supplement 293-31, Figure 3, dated September 2, 1987.

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(i) Pre-employment inquiries must be destroyed after applicant has been hired.

(ii) Testing and examining information, except for final Notice of Rating, must not be placed in the OPF.

(iii) For official use only records. OPM investigative material, correspondence, forms, and other documents regarding investigation, complaint, or inquiry of an unfavorable nature concerning an employee will be treated as confidential records "For Official Use Only" for the protection of employees affected. These records must be filed in a locked safe.

§2054.1057 [Reserved]

§2054.1058 Transfer of OPFs, MRPFs, and EMFs.

(a) Requesting OPFs, MRPFs, and EMFs. When a person is employed by the FmHA and has served previously in the Executive Branch of the Government, the inactive personnel records, including FmHA Committee members records, if any, will be reestablished to the extent possible. Generally, the folder will be requested from the last Employment Officer if not more than 30 days have elapsed since termination of the employment, or from the National Personnel Records Center (NPRC) if more than 30 days have elapsed. Follow instructions in FPM 293-31 and FPM 296-33, Chapter 30, Table 30-E and Chapter 31, Table 31-K.

(1) Requesting Official Folder from another Employment Officer. When arrangements have been made for the transfer (or appointment without a break in service) of an employee from another Employment Officer or for reemployment within 30 days after separation (exceptions: See FPM 293-31), the folders (OPFs and MRPFs) will

be requested by means of an extra copy of the SF-52 or SF-50 used to effect the transfer, or by memorandum as desired. EMFs will be requested by memorandum from the Employment Officer 30 days after the appointment date. Be sure the name, title, and address of the Employment Officer are included. If an extra copy of SF-52 or SF-50 is used to request the OPF, the address of the Employment Officer will be added to the form.

(2) Requesting Official Folders (OPF, MRPF, and EMF) from NPRC. SF-127, "Request for Official Personnel Folder (Separated Employees)," will be used for requesting personnel folders from the General Services Administration Federal Records Center. This form will be addressed to "National Personnel Records Center (Civilian), 111 Winnebago Street, St. Louis, Missouri 63118" and will be submitted to the Center in duplicate.

(3) Requests for EMFs may not be made until 30 days from the appointment date by the Employment Officer in accordance with FPM 293-31. This delay in obtaining the EMF is designed to prevent unnecessary retrieval of an EMF, with the attendant potential for inappropriate or unnecessary disclosure of highly sensitive data.

(b) Retention in Agency. Agency may retain OPF for up to 90 days after the effective date of the employee's separation, resignation, or removal to collect all outstanding documents and/or up to 120 days from the date records are submitted to OPM in cases of retirement or death.

(c) Transferring OPFs, MRPFs, EPFs, and EMFs.

(1) OPFs, MRPFs, EPFs, and EMFs will be forwarded as soon as possible upon receipt of an official request but not later than five working days after receipt of request. Employment officers must make sure all requested folders are forwarded in accordance with FPM 293-31.

(2) Upon expiration of the 90- or 120-day retention period (see FPM Chapter 293, Appendix B), the agency must transfer folders to the NPRC. The only exceptions to the 90- or 120-day retention period are as follows:

(i) Employees with restoration rights;

(ii) Employees with reemployment rights

(iii) Folders of employees separated by reduction-in-force and whose names are entered on the reemployment priority list are retained until their names are removed from the list due to reemployment or deleted from the list upon expiration of the retention period (See FPM Chapter 351).

(iv) Folders of employees who were involuntarily separated and who appeal their separations may be retained until appeals are resolved.

(v) Folders for separated employees for whom long-term records are outstanding or for whom retirement records are outstanding.

(vi) When there is a work situation which makes it probable that the same people will be employed repeatedly for short periods of time, the agency may retain their folders for a maximum period of 2 years after the date of their last separation.

(vii) Folders for employees who were involuntarily separated and who are entitled to severance pay under 5 CFR 550.702 shall be retained until the former employee is reemployed without time limitation, is reemployed under an appointment limited to no more than 1 year (after a break in service of no more than 3 days), or until the severance pay fund is exhausted, whichever comes first.

(3) Folders being shipped or mailed should be securely packaged and sealed. Single folders should be sent in an envelope. It is recommended that a padded envelope (e.g., a "Jiffy Bag") be used instead of a standard mailing envelope to provide greater protection in the mailing process. Multiple folders should be sent in a carton. Folders can be sent by regular first class mail but it is recommended that certified, return receipt mail be used since this procedure is less expensive than reconstructing lost files. A list of employee names and social security numbers should be included for each folder in the carton.

(d) Forwarding long-term records after transfer of folder. If long-term records have been erroneously left out of the folder, the submitting office must send these documents immediately to either NPRC or the new employing agency or department. Each document must show the employee's current name, name under which formerly employed (if different), date of birth, social security number, and date of separation. The transmittal letter should clearly identify the submitting personnel office and address.

§§2054.1059 - 2054.1060 [Reserved]

§2054.1061 Employee Performance File System records.

The Employee Performance File System (EPFS) consists of all performance ratings (AD-435), performance plans (AD-435-A & B), Awards (AD-287-2 and documentation), and other performance related records. (Revised 09-06-96, "P" PN 705.)

(a) Purpose. The EPFS provides for maintenance of all records used not only by the Agency, but by other Federal agencies. The records are used: (1) to assist rating officials in monitoring and rating performance; (2) to provide employees with information on their actual performance or matters affecting performance and on how, if necessary, their performance may improved; and (3) as a basis for decisions involving pay,

assignments, reassignments, promotions, rewards, training, retention standing in reduction-in-force, reduction-in-grade determinations, removals, and remedial actions.

(b) Location of records. All performance ratings and supporting documentation will be filed on the left-hand side of the OPF in an envelope (Item # 212) attached to the left-hand side at the bottom of the folder. The envelope should always remain on top of all other documentation on the temporary side of the OPF.

(c) Contents of the EPF. The envelope will contain copies of the following:

- (1) Performance rating (AD-435), the elements and standards (AD-435-A & B);
- (2) Awards (AD-287-2 and documentation);
(Revised 09-06-96, "P" PN 705.)
- (3) Letters of reprimand, caution, warning or similar action papers that are based on performance;
- (4) General letters of appreciation;
- (5) Relevant records created during appeals;
- (6) Any documents concerning the denial of a Within-Grade-Increase (WGI) or reflecting that a request for reconsideration of a WGI denial has been made and its outcome (the actual request for reconsideration file to be established as a separate file and not part of the EPFS), and
- (7) Any records relating to conduct matters that agency officials believe are so interrelated to performance as to warrant retention in the EPF (care must be exercised that such records are not relied upon when taking a performance-based action under 5 CFR 432).

(d) Retention of Records.

(1) Performance appraisals and the elements and standards will be retained in the EPF for 3 years (5 years for SES employees). Outdated records may either be shredded or returned to employee (clearly marked as an obsolete record).

(2) All records (non-SES employees only) pertaining to a proposed reduction in grade or removal (does not include reassignment, unless the reassignment is also accompanied by a reduction in grade), when the action is based on unacceptable performance, must be removed from any record relating to the employee if the agency decides not to take action because of the employee's improved performance and the employee's performance continues to be acceptable for one year. The removal of records at the end of a year of acceptable performance (i.e., from the date of the notice proposing removal or demotion) must be accomplished no later than 30 calendar days following the end of that year.

(3) Records may be retained in connection with an appeal for as long as necessary.

(4) Records may be removed as the result of a negotiated grievance procedure.

(5) Records may be removed as a result of a court order. When changes or removal of performance-related records are necessary, they shall be made as soon as possible, but not more than 30 calendar days after the final decision is rendered.

(e) Disposition of Records.

(1) Only ratings of record (AD-435) that are 3 years old or less, along with the performance plan (elements and standards, AD-435-A/B's upon which the latest rating is based, must be taken out of EPF and attached to the left side of the OPF and forwarded to the next servicing personnel

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office (within USDA, FmHA, or another department) or to NPRC. Additionally, an employee who changes positions during an appraisal period will be given a "summary rating" covering performance in the former position by the supervisor. Such a summary rating must always accompany the OPF.

(2) All other EPF records are to be destroyed.

§§2054.1062 - 2054.1065 [Reserved]

§2054.1066 Employee Medical Folder.

(a) Purpose. The EMF (SF-66D) was established to provide a uniform method to retain medical records for Federal employees.

(b) Contents. The EMF contains the following documents in accordance with FPM Chapter 293-31, Subchapter 6, dated September 2, 1987:

(1) Medical records created in connection with the Agency's request to OPM for permission to pass over a preference eligible, when the permission is denied and the applicant is subsequently hired. In cases where the applicant is not a preference eligible and the agency obtains additional medical data to determine whether the applicant can perform the duties of the position, such medical records are to be included in the EMFs.

(2) Records created/submitted when demonstrating that the applicant qualifies for appointment under special authorities regarding employment of the severely physically or mentally disabled.

(3) Medical records created during employment as a result of a condition of employment or as a result of an on-the-job occurrence which may include:

(i) Records necessary to demonstrate that the employee continues to meet the medical standards for the position, e.g., periodic hearing, sight, or physical examinations.

(ii) Records to support placement of the employee in a light duty status or which lead to some other temporary accommodation made by the agency, e.g., a detail because of a medical condition.

(iii) Records created under the agency's employee health monitoring program.

(iv) Occupational illness/accident/injury records regardless of whether the person files a claim for worker's compensation with the Office of Worker's Compensation Programs (OWCP).

(v) When no compensation claim is filed, the record of the occupational illness/accident/injury should be made part of that employee's EMF record, along with any record of treatment.

(vi) When a claim is filed with OWCP, a duplicate copy of the claim should be filed in accordance with RD Instruction 2069-B and a copy placed in the EMF during the processing of the case and during the period that benefits are received. A notation should be made in the employee's OPF that the EMF is being retained by FmHA. When compensation ceases and the case file and other EMF records are subject to the 30-year retention schedule, a notation will be added to the EMF to indicate that the individual is off compensation and, if known, state whether the person is/is not capable of working. The EMF will then be sent to the NPRC for storage.

(4) Records created during the separation process include those used as the basis for agency initiated separation, those created for the agency or employee initiated application for disability retirement, and those created when the employee dies in service. (Records involved in a granted disability retirement or in a death would also become part of the OPM/CENTRAL-1, Civil Service Retirement and Insurance Records system). Those records include those:

(i) That demonstrate the person is no longer capable of meeting the medical standards of the position, that there is no other position available for the person, and no other accommodation can be made;

(ii) Used in reaching a decision for the agency to initiate a request for disability retirement;

(iii) Provided by the employee in connection with an application for disability retirement;

(iv) Resulting when the employee dies in service.

(c) Drug testing records under Executive Order 12564. These are records created when an employee undergoes a drug screening test under the USDA guidelines. Such records: (1) are subject to the Privacy Act; (2) are, generally, part of the EMF; and (3) will be maintained in accordance with USDA, Departmental guidelines.

(d) Designated Manager of EMFs. The Employment Officer or Medical Officer, designated as appropriate, will control the requesting of EMFs and requests for

disclosure of records from the EMFs. Disclosure will only be made in accordance with FPM 293-31, DPM 293, 5 CFR Chapters 293, 294, 297, and RD Instructions 2015-E and 2018-F.

(e) Location of records. The physical location for retention of EMF records must be retained in a locked cabinet separate from the OPFs.

(f) Requests for EMFs. EMFs will be requested (if applicable) no sooner than 30 days after the date of the new appointment. No EMF will be routinely forwarded unless requested in accordance with FPM Chapter 293-31 and 5 CFR Chapter 293. EMF's will only be forwarded to the designated manager. Be sure to include the appropriate name and title on all requests.

(g) Retention of records.

(1) Medical records evolving from an employee's use of the Employee Assistance Program are not to be retained in the EMF unless requested by employee.

(2) Temporary records must not be placed in a newly-created EMF for a separating employee and must be removed from an already existing EMF before its transfer to another agency or to the NPRC. Such records must be disposed of in accordance with General Records Schedule (GRS) 1, item 21, issued by the National Archives and Records Administration (NARA).

(3) Occupational Medical Records considered to be long-term records must be maintained for the duration of employment in accordance with FPM 293-31, Appendix A. Therefore, upon separation, the records must be provided to the employee's new agency as per §2054.1058 (c)(1) of this Instruction, or they must be transferred to the NPRC in accordance with §2054.1058 (c)(2) of this Instruction.

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(h) Disposition of records. EMFs will be forwarded to either the new servicing personnel office or to NPRC as per FPM 293-31 and RD Instruction 2054.1058 (c).

§2054.1067 Disclosure of records from OPFs, EPFs, and EMF's.

Request for disclosure of records from the OPFs, EPFs, and EMFs under the Privacy Act and the Freedom of Information Act (FOIA) will be handled in accordance with RD Instructions 2015-E and 2018-F, and 5 CFR 293.311, 5 CFR 294, and 5 CFR 297.

§§2054.1068 - 2054.1100 [Reserved]

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